



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/321,605 05/28/99 SASHIDA

N 990535

EXAMINER

MMC2/0131

CHEN, J.

ARMSTRONG, WESTERMAN, HATTORI, MCLELAND

& NAUGHTON

1725 K STREET NW

SUITE 1000

WASHINGTON DC 20008

ART UNIT

PAPER NUMBER

2813

DATE MAILED:

01/31/01

Commissioner of Patents and Trademarks

Please find below and/or attached an Office communication concerning this application or proceeding.

For further information, see the matter. (See note below.)

For further information, see the application in the form for appeal by the Commissioner of Patents and Trademarks.

For further information, see the application in the form for appeal by the Commissioner of Patents and Trademarks.

For further information, see the application in the form for appeal by the Commissioner of Patents and Trademarks.

Applicant is requested to overcome the following rejection(s):

Newly proposed or amended claims should be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

This amendment, which is necessary for consideration has been recommended to be allowed if placed in condition for allowance.

The amendment, which is necessary for consideration has been recommended to be allowed if placed in condition for allowance.

For purposes of the amendment of the claims, the amendment is to be considered as a new claim.

For purposes of the amendment of the claims, the amendment is to be considered as a new claim.

For purposes of the amendment of the claims, the amendment is to be considered as a new claim.

For purposes of the amendment of the claims, the amendment is to be considered as a new claim.

For purposes of the amendment of the claims, the amendment is to be considered as a new claim.

For purposes of the amendment of the claims, the amendment is to be considered as a new claim.

For purposes of the amendment of the claims, the amendment is to be considered as a new claim.

BEST AVAILABLE COPY

Advisory ActionApplication No.
09/321,605Applicant(s)
Sashida et al.Examiner
Jack ChenGroup Art Unit
2813

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jan 16, 2001 has been considered with the following effect, but is **NOT** deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

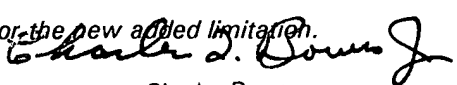
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☒ they raise new issues that would require further consideration and/or search. (See note below).
 - ☒ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The new added limitation in claims 1 and 21 which raise new matter/issues. for example, the phrase "covering an entire portion of the upper electrode with an area which is larger than an area"

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: None
- Claims objected to: None
- Claims rejected: 1-16 and 21

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Other Furthermore, Applicant needs to point out the support for the new added limitation.


Charles Bowers
Supervisory Patent Examiner
Technology Center 2800